

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

DONALD THOMAS, JR.,	§	
	§	
Plaintiff,	§	
	§	
v.	§	No.
	§	
GC SERVICES, LP,	§	
	§	
Defendant.	§	
	§	

PLAINTIFF’S COMPLAINT

DONALD THOMAS, JR. (“Plaintiff”), through her attorneys, KROHN & MOSS, LTD., alleges the following against GC SERVICES, LP (“Defendant”):

INTRODUCTION

1. Plaintiff’s Complaint is based on the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692, *et seq.*

JURISDICTION and VENUE

2. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”

3. Defendant conducts business in the State of Texas establishing personal jurisdiction.

4. Venue is proper pursuant to 28 U.S.C. § 1391(b)(1).

PARTIES

5. Plaintiff is a natural person residing in Lebanon, Pennsylvania.

6. Plaintiff is a consumer as that term is defined by 15 U.S.C. 1692a(3).

7. Plaintiff allegedly owes a debt as that term is defined by 15 U.S.C. 1692a(5).

8. Defendant is a business entity with an office located at 6330 Gulfton St., Houston, Harris County, Texas 77081.

9. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6).

10. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

11. Defendant is attempting to collect a debt from Plaintiff and his wife, Dena Thomas, on behalf of a creditor.

12. The debt Defendant is attempting to collect arose from transactions made on a credit card which were for personal, family and household purposes.

13. In or around July of 2012, Defendant began placing telephone calls to Plaintiff at 717-821-xxxx, which is Plaintiff's cellular phone number.

14. When Plaintiff was unable to answer Defendant's telephone calls, Defendant left voicemail messages. *See* transcribed voicemail as Exhibit A hereto.

15. Defendant stated that it is "very important" to speak with Plaintiff or his wife and requested Plaintiff call Defendant at 877-710-8001, which is a phone number that belongs to Defendant. *See* Exhibit A.

16. However, Defendant did not disclose its identity. *See* Exhibit A.

17. Defendant also failed to identify itself as a debt collector or disclose that it was calling about a debt. *See* Exhibit A.

18. Defendant's message withheld the true nature of its call, to collect a debt, in order to deceive Plaintiff into calling Defendant.

19. Defendant uses deceptive voicemail messages in connection with its attempts to collect the alleged debt by not identifying itself, not disclosing the purpose of its phone calls, or that it is a debt collector.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

20. Defendant violated the FDCPA based on the following:

- a. Defendant violated § 1692d of the FDCPA by engaging in conduct the natural consequence of which is to annoy Plaintiff;
- b. Defendant violated § 1692d(6) of the FDCPA by not disclosing its identity in its voicemail to Plaintiff;
- c. Defendant violated § 1692e of the FDCPA by using false, deceptive or misleading representation with the collection of the debt;
- d. Defendant violated § 1692e(10) of the FDCPA by using false representations and/or deceptive means to attempt to collect a debt; and
- e. Defendant violated § 1692e(11) of the FDCPA by failing to disclose in its communication that it is a debt collector.

WHEREFORE, Plaintiff, DONALD THOMAS, JR., respectfully requests judgment be entered against Defendant, GC SERVICES, LP, for the following:

21. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692k.

22. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692k.

23. Any other relief that this Honorable Court deems appropriate.

Dated: March 26, 2013

RESPECTFULLY SUBMITTED,

KROHN & MOSS, LTD.

By: /s Douglas Baek

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